

METROPOLITAN PLAN COMMISSION
DOCKET NO. 69-A0-2

PARK DISTRICTS ZONING ORDINANCE

OF

MARION COUNTY, INDIANA

METROPOLITAN PLANNING DEPARTMENT

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PARK DISTRICTS ZONING ORDINANCE

OF

MARION COUNTY, INDIANA

C O N T E N T S

PURPOSE AND ORDAINING CLAUSES 1

CHAPTER I

SECTION 1.00 ESTABLISHMENT OF PARK ZONING DISTRICTS--
PERMITTED USES 3

CHAPTER II

SECTION 2.00 PARK DISTRICT REGULATIONS 8

CHAPTER III

SECTION 3.00 SEVERABILITY 12
EMERGENCY CLAUSE 12
EFFECTIVE DATE 12
SIGNATURES, ATTESTATION. 12

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WHEREAS, Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, established a single planning and zoning authority in counties having first-class cities and grants certain powers relative to the zoning and districting of land to the Metropolitan Plan Commission and the County Council of such counties having first-class cities, in order to unify the planning and zoning functions thereof; and

WHEREAS, the Metropolitan Plan Commission of Marion County, Indiana, has adopted and certified, pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, various segments of its ORIGINAL COMPREHENSIVE OR MASTER PLAN OF MARION COUNTY, INDIANA, including a COMPREHENSIVE PARK PLAN FOR MARION COUNTY, INDIANA, adopted by Resolution 65-CPS-R-2 on August 11, 1965; and

WHEREAS, said Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, empowers the Metropolitan Plan Commission of Marion County, Indiana, after such comprehensive plan certification, to recommend to the County Council an ordinance or ordinances for the zoning or districting of all lands within the County to the end that adequate light, air, convenience of access and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; that property values may be preserved; that the public health, safety, comfort, morals, convenience and general welfare may be promoted;

NOW THEREFORE BE IT ORDAINED by the Marion County Council of Marion County, Indiana, that Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council on March 28, 1957 and subsequently amended pursuant to Section 85 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, and all zoning ordinances adopted as parts thereof, including the Park District Zoning Ordinance of Marion County, Indiana, 68-A0-2, be amended, pursuant to said Chapter 283, by the addition of the following provisions:

CHAPTER I

SECTION 1.00 ESTABLISHMENT OF PARK ZONING DISTRICTS--PERMITTED USES

A. The following primary PARK ZONING DISTRICT for Marion County, Indiana, is hereby established, and land within Marion County is hereby classified, divided and zoned into said district as designated on the PARK DISTRICT ZONING MAPS, which Maps are attached hereto, incorporated herein by reference and made a part of this ordinance. No use shall be permitted in said DISTRICT other than the following permitted use or uses:

1. PARK DISTRICT ONE (PK-1)

Permitted Use

PUBLIC playgrounds, playfields, ball fields, ball courts, tennis courts, spray or wading pools, outdoor swimming pools, ice skating, picnicking, boating, fishing, wild life refuges, botanical gardens, arboreta, scenic areas, greenways, bridle paths, hiking and bicycle trails, and such other primary park or recreational uses, or uses incidental and accessory thereto, as are included within any site and development plan filed with and approved by the Metropolitan Plan Commission as hereinafter provided.

Provided, however, that no use not specifically enumerated and no building or structure shall hereafter be constructed or used on any land in the PK-1 DISTRICT for any purpose other than lawfully existed on the date of the adoption hereof until a site and development plan for said land and all Park District lands of which it is a common tract (showing the location of existing and proposed park uses, including the location and proposed use of such building or structure to be built or used, or the proposed use not specifically enumerated as a permitted use) shall have been filed with and approved by the Metropolitan Plan Commission.

The Metropolitan Plan Commission may consider and act upon any such proposed site and development plan, and approve the same in whole or in part, at any public meeting of the Commission. Public notice thereof shall not be required; however, the governmental unit or department filing such plan shall have the right to appear and be heard. Such site and development plan, and uses and structures therein, shall:

- (1) Be in conformity with the Comprehensive or Master Plan of Marion County, Indiana, including the Comprehensive Park Plan for Marion County, Indiana, adopted by the Metropolitan Plan Commission Resolution 65-CPS-R-2;

- (2) create and maintain a desirable, efficient and economical use of park land with high functional and asethetic value, attractiveness and compatibility of land uses, within the park and with adjacent uses;
- (3) provide sufficient and adequate access, parking and loading areas;
- (4) provide traffic control and street plan integration with existing and planned public streets and interior access roads;
- (5) provide adequately for sanitation, drainage and public utilities; and
- (6) allocate adequate sites for all uses proposed - - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive or Master Plan of Marion County, Indiana, including said Comprehensive Park Plan for Marion County, Indiana.

B. The following primary PARK PERIMETER-SPECIAL DISTRICT for Marion County, Indiana, is hereby established, and land within Marion County is hereby classified, divided and zoned into said district as designated on the PARK DISTRICT ZONING MAPS, which Maps are attached hereto, incorporated herein by reference and made a part of this ordinance. No use shall be permitted in said DISTRICT other than the following permitted use or uses:

1. PARK PERIMETER-SPECIAL DISTRICT TWO (PK-2) Permitted Uses, as approved by the Metropolitan Plan Commission as hereinafter provided:

1. ANY DWELLING USE, INCLUDING SINGLE-FAMILY OR MULTI-FAMILY, ATTACHED OR DETACHED DWELLINGS, as approved by the Metropolitan Plan Commission as hereinafter provided and subject to all standards, requirements and regulations of the DWELLING DISTRICTS ZONING ORDINANCE of Marion County, Indiana, 66-AO-2, specified in the petition for such Commission approval.

2. ANY COMMERCIAL OFFICE USE, OFFICE COMPLEX, COMMERCIAL OFFICE-APARTMENT COMPLEX, OR OTHER PLANNED COMPLEX, WHICH MAY INCLUDE BUSINESS, PROFESSIONAL AND CONSUMER SERVICE OFFICES, RETAIL SALES AND SERVICE USES or other appropriate uses and accessory facilities therefor, as approved by the Metropolitan Plan Commission as hereinafter provided.

3. REGIONAL, COMMUNITY OR NEIGHBORHOOD SHOPPING CENTER, COMMERCIAL CENTER - OFFICE - APARTMENT COMPLEX, APARTMENT HOTELS, HOTELS, MOTOR-HOTELS OR OTHER SIMILAR SINGLE COMMERCIAL USE OR MULTI-USE PLANNED COMPLEX, INCLUDING BUSINESS, PROFESSIONAL AND CONSUMER SERVICE OFFICES, RETAIL SALES AND SERVICE USES, OR OTHER APPROPRIATE USES and accessory facilities therefor, as approved by the Metropolitan Plan Commission as hereinafter provided.

4. OFFICE-COMMERCIAL-INDUSTRIAL RESEARCH AND DEVELOPMENT PARK OR COMPLEX OR OTHER COMMERCIAL-INDUSTRIAL USE OR COMBINATION THEREOF (subject to all standards, requirements and regulations of section 2.05 (I-1-U Restricted Industrial Urban District Regulations) of Ordinance 63-AO-4, the INDUSTRIAL ZONING ORDINANCE of Marion County, Indiana, as amended), and accessory facilities therefor, as approved by the Metropolitan Plan Commission as hereinafter provided.

5. PUBLIC AND SEMIPUBLIC STRUCTURES AND USES, PARKS AND OPEN SPACE, INCLUDING BUT NOT LIMITED TO MUSEUMS, AUDITORIUMS, THEATERS, AMPHITHEATERS, EXHIBITION HALLS OR EXHIBITION SPACES, LIBRARIES, CIVIC CENTERS, UNIVERSITY OR COLLEGE CAMPUS OR OTHER EDUCATIONAL INSTITUTION, CHURCHES, GOVERNMENTAL OFFICE COMPLEXES, MALLS, GREENWAYS, OR OTHER APPROPRIATE USES and accessory facilities therefor, as approved by the Metropolitan Plan Commission as hereinafter provided.

6. RESIDENTIAL-RECREATIONAL-COMMERCIAL PLANNED COMPLEX, including MULTI-FAMILY DWELLINGS, TOWN-HOUSES, CONDOMINIUM, CLUSTER-HOUSING OR OTHER PLANNED RESIDENTIAL DEVELOPMENT IN COMBINATION WITH OPEN SPACE, RECREATIONAL-COMMERCIAL DEVELOPMENT INCLUDING GOLF COURSE, COUNTRY CLUB, RIDING STABLE, TENNIS OR SWIMMING CLUB, MARINA, LAKE DEVELOPMENT OR OTHER RECREATIONAL, PUBLIC OR SEMI-PUBLIC, COMMERCIAL OR NON-COMMERCIAL USES, and accessory facilities therefor, as approved by the Metropolitan Plan Commission as hereinafter provided.

7. ANY OTHER APPROPRIATE PLANNED LAND USE, COMPLEX OR COMBINATION OF LAND USES, as approved by the Metropolitan Plan Commission as hereinafter provided.

Provided, however, that no use, building or structure shall hereafter be established or constructed on any land in the PK-2 DISTRICT until such proposed use and site and development plan therefor shall have been filed with and approved by the Metropolitan Plan Commission.

The Metropolitan Plan Commission may consider and act upon any such proposed use and site and development plan therefor, approve the same in whole or in part, and impose additional development standards, requirements or conditions thereon at any public hearing of the Commission. Public notice thereof and notice to adjoining land owners by the petitioner in accordance with the Commission's rules of procedure shall be required. Such site and development plan, and proposed use, building and structure shall:

- (1) Be consistent with the Comprehensive or Master Plan of Marion County, Indiana, including the Comprehensive Park Plan for Marion County, Indiana, adopted by the Metropolitan Plan Commission Resolution 65-CPS-R-2;
- (2) Create and maintain a desirable, efficient and economical land use with high functional and aesthetic value, attractiveness and compatibility of land uses, with adjacent park and other land uses;
- (3) Provide sufficient and adequate access, parking and loading areas;
- (4) Provide adequate traffic control and street plan integration with existing and planned public streets and interior access roads;
- (5) Provide adequately for sanitation, drainage and public utilities; and
- (6) Allocate adequate sites for all uses proposed - - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive or Master Plan of Marion County, Indiana, including said Comprehensive Park Plan for Marion County, Indiana.

All land use within the PK-2 DISTRICT shall be subject to all requirements of section 1, B, 3 of Ordinance 68-AO-11, the IMPROVEMENT LOCATION PERMIT ORDINANCE of Marion County, Indiana, relative to plans (including exhibits, site plans, renderings, plans for buildings, signs or other structures, fencing, landscaping, off-street parking and loading areas, utilities, drainage, sewage or other developmental or land use plans) and parcel covenants filed, made or presented in support of such petition.

C. No use, building or structure shall be established or erected in any PARK DISTRICT without an improvement location permit and said permit shall not be issued until the proposed use and said site and development plan, or such part thereof as includes the proposed use, building or structure, shall have been approved by the Metropolitan Plan Commission. Applications for improvement location permit shall be made upon Metropolitan Planning Department forms and shall include all information specified by such forms.

CHAPTER II

SECTION 2.00 PARK DISTRICT REGULATIONS

The following regulations shall apply to all land within the PK-1 and PK-2 DISTRICTS.

A. After the effective date of this ordinance:

1. With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance.
2. No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this ordinance.

Provided, however, legally established nonconforming uses may be reconstructed if damaged or partially destroyed by fire or other disaster when such damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the structures or facilities affected.

B. PK-1 DEVELOPMENT STANDARDS

The following development standards shall apply to all land within PARK DISTRICT ONE:

1. LOCATION Public parks larger than ten (10) acres shall be located with direct access to and frontage on a street designated on the Thoroughfare Plan of Marion County, Indiana, as a collector, primary or secondary thoroughfare, parkway, expressway or freeway.
2. MINIMUM LOT AREA There shall be no minimum lot area.
3. SETBACK LINES & MINIMUM YARDS a. SETBACK LINES AND MINIMUM FRONT YARD:
Yards, having a minimum depth in accordance with the following setback requirements shall be provided along all street right-of-way lines:

- (1) Expressway, Parkway or Primary Thoroughfare (as designated on the Thoroughfare Plan of Marion County, Indiana)

No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall be built closer than 60 feet to any right-of-way line of an expressway, parkway or primary thoroughfare.

- (2) Secondary Thoroughfare (as designated on the Thoroughfare Plan of Marion County, Indiana).

No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall be built closer than 40 feet to any right-of-way line of a secondary thoroughfare.

- (3) Collector Street

No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall be built closer than 30 feet to any right-of-way line of a collector street.

- (4) Local Street, Marginal Access Street or Cul-de-Sac

No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall be built closer than 25 feet to any right-of-way line of a local street, marginal access street, or cul-de-sac, with the exception of the vehicular turnaround thereof. No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall be built closer than 20 feet to any right-of-way line of the vehicular turnaround of a cul-de-sac.

Provided, however, that along the right-of-way line of any street, highway, or thoroughfare where access rights thereto have been purchased or otherwise acquired by the governmental agency having jurisdiction thereof, yards having a minimum depth of thirty (30) feet shall be provided.

4. MAXIMUM
HEIGHT

Thirty-five (35) feet.

5. OFF-STREET
PARKING

a. Adequate off-street parking spaces shall be provided for the various PK-1 DISTRICT park activities and uses.

b. Off-street parking area for all uses in the PK-1 DISTRICT shall be developed and maintained in accordance with the following requirements:

- (1) Off-street parking entrances and exits shall be located a minimum distance of twenty-five (25) feet from the nearest point of two intersecting street right-of-way lines. Such access cuts from a public street shall further conform to all requirements of traffic engineering department having jurisdiction thereof.
- (2) The surface of parking areas shall be graded and drained in such a manner that there will be no free flow of water onto either adjacent properties or sidewalks.
- (3) Lighting facilities used to illuminate parking areas shall be so located, shielded and directed upon the parking area that they do not glare onto or interfere with street traffic, adjacent buildings, or adjacent uses.

- c. The distance of driveways and parking areas from any adjacent property line shall be at least twenty (20) feet.

6. SIGNS

- a. The surface area of all identification signs shall be not greater than an amount equal to one (1) square foot of sign area for each lineal foot of street frontage.
- b. All identification and directional signs shall be setback from public street right-of-way lines at least twenty-five (25) feet.

C. PK-I AND PK-II PERFORMANCE STANDARDS

All uses established or placed into operation after the effective date of this ordinance shall comply with the following performance standards. No use in existence on the effective date of this ordinance shall be so altered or modified as to conflict with these standards.

1. VIBRATION No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
2. SMOKE, DUST & PARTICULATE MATTER Smoke, dust, particulate matter, and any other airborne material shall be subject to the standards and regulations of General Ordinance No. 109, 1967, Air Pollution, City of Indianapolis, which ordinance is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof.

3. DUST
No use shall cause dust, dirt or fly-ash of any kind to escape beyond the lot lines in a manner detrimental to or endangering the public health, safety or welfare or causing injury to property.
4. NOXIOUS
MATTER
No use shall discharge across the lot lines noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
5. ODOR
No use shall emit across the lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
6. SOUND
No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.
7. HEAT AND
GLARE
No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
8. WASTE
MATTER
No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health, the Stream Pollution Control Board of the State of Indiana, and the Board of Sanitary Commissioners of Indianapolis, Indiana, or in such a manner as to endanger the public health, safety, or welfare or cause injury to property.

CHAPTER III

SECTION 3.00 SEVERABILITY

If any section, subsection, paragraph, subparagraph, clause, phase, word, provision or portion of this ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this ordinance as a whole or any part thereof, other than the section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion so held to be unconstitutional or invalid.

NOW BE IT FURTHER ORDAINED that an emergency exists for the passage of this ordinance and that the same shall be in full force and effect from and after this date.

Dwight L. Cottingham

Beurt R. SerVaas

William K. Byrum

Rozelle Boyd

Wm. A. Brown

THE MARION COUNTY COUNCIL OF
MARION COUNTY, INDIANA

DATED: May 7, 1969

ATTEST: Edward G. Hoffmann, Jr.
AUDITOR OF MARION COUNTY, INDIANA

legal draft -- 3-19-69